



# Mary Lazich

President  
Wisconsin State Senate

**Assembly Committee on Housing and Real Estate  
Assembly Bill 257  
October 29, 2015**

Thank you Chair Jagler for scheduling Assembly Bill 257 (AB 257) a public hearing, and thank you committee members for attention to AB 257. AB 257 eliminates unnecessary lead testing requirements if lead safe practices are followed.

Department of Health Services (DHS) rules require before renovations are performed on dwellings constructed prior to 1978, an inspection and testing process for lead must be followed. DHS requires that before work can be performed on the dwelling, a company must inspect the dwelling for lead, test the paint samples for the presence of lead, and then file a comprehensive report with its findings of lead with the Department of Health Services. The inspection, testing, and reporting rules for lead-based renovations are an expensive and time consuming process.

The owners of KPH Construction were hired as a consultant for General Mitchell International Airport (GMIA) for the Airport Area Noise Management Program (NMP). KPH took great care to ensure due diligence was given to hazardous materials in the private homes. A portion of the diligence was dedicated to meeting with DHS representatives to provide clarity and agreement about regulations of lead testing requirements.

Midway through the project, the county demanded testing on the homes for the presence of lead. KPH complied with the customers' request. The testing was not necessary for safety reasons because renovations were completed at the highest level of lead safety. DHS commenced action against KPH claiming KPH did not follow reporting and testing requirements.

Representatives from KPH Construction are present today. They will share with the committee technical aspects of AB 257 and the positive impact AB 257 will have on the business climate within Wisconsin.

Current law already exempts work done in a lead-safe manner from lead testing requirements. Under this bill, a company operating in a lead-safe manner is not

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required to comply with the inspection and testing rules established by DHS should testing be done on a lead-safe renovation. This will allow companies to forgo the rigorous testing and reporting process, while still operating in a safe and responsible manner.

A substitute amendment has been adopted by the Senate Committee on Health and Human Services. The amendment does two things. First, a definition of a "partial lead inspection" has been added to AB 257 making the bill clearer. Second, in the event of a partial lead inspection, the renovator must inform the owner in writing the inspection is a partial lead inspection and not a full lead inspection.

Lead-safe practices ensure the safety of employees and homeowners. AB 257 does not change the inspection and testing rules promulgated by DHS. Renovators are only exempt from the inspection and reporting process at the time all necessary precautions are taken to prevent further lead contamination and lead abatement is performed at the highest standard.

I ask the committee approve AB 257. Thank you for your attention.

# Mike Kuglitsch

STATE REPRESENTATIVE • 84<sup>TH</sup> ASSEMBLY DISTRICT

DATE: October 29, 2015

RE: **Testimony on 2015 Assembly Bill 257**

TO: The Assembly Committee on Housing and Real Estate

FROM: Representative Mike Kuglitsch

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Thank you Mister Chairman and Committee Members for allowing me to testify in favor of Assembly Bill 257. I believe that this piece of legislation will streamline home and business renovations on buildings constructed before 1978.

The Department of Health Services requires the use of lead safe renovation for all pre 1978 dwellings and child occupied facilities, such as day cares and pre-schools that are being remodeled. Currently, the Department of Health Services also requires that once an inspector collects 1 paint sample to test for lead, then a full surface by surface lead inspection of the building must be done and a full report prepared. This is required for all of these buildings constructed before 1978, the last year lead paint was able to be used.

AB 257 allows for a company to conduct partial lead inspections before renovation work is done on these pre 1978 buildings, instead of having to inspect the entire building. With this change, businesses can move quickly with restoration and construction projects, bypassing burdensome red tape and reporting requirements. This will lower the costs for restoration projects across the state and shorten renovation time lines in the future. Since the presence of lead is assumed when a partial lead inspection is conducted, renovation companies must still abide by DHS lead safe renovation work practices. It is important to note that although the inspector is not conducting a full inspection of the entire building, safety requirements for the families, children, and the workers will not be changed by AB 257.

A substitute amendment has been introduced to better define what a “partial lead inspection” is. A partial lead inspection is defined as an on-site investigation of one or more painted, varnished, or otherwise coated building components to determine the presence of lead, but not a surface-by-surface investigation. This amendment also states that a person or company that performs a partial lead inspection shall disclose, in writing, to the owner or lessor of the dwelling or premises that the person performed a partial lead inspection. The amendment makes certain that all future owners are aware that only certain parts of the reconstructed building have been inspected and treated for lead.

Also testifying today are members from KPH Construction, who will go through the technical details of the legislation.

Thank you for allowing me to testify today and I ask you to support this common sense legislation. AB 257 will reduce burdensome government regulations and streamline renovation project moving forward.